



UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING
July 20, 2015
7:15 p.m.
Approved

Attending:

Board of Supervisors

Kevin C. Kerr, Chair

Catherine A. Tomlinson, Member

Township Administration

Cary B. Vargo, Township Manager

Gwen A. Jonik, Township Secretary

John DeMarco, Police Chief

Jill Bukata, Township Treasurer

Mike Heckman, Director of Public Works

Dave Leh, Township Engineer

Mr. Kerr called the meeting to order at 7:01 p.m., led the salute to the flag, and offered a moment of silence.

Approval of Minutes

Mrs. Tomlinson moved, seconded by Mr. Kerr, to approve as presented the minutes of the June 9, 2015 Joint Boards & Commissions Workshop and the June 15, 2015 Board of Supervisors Regular Meeting and Conditional Use Hearing.

The June 9 Workshop included a storm water management presentation and general discussion about Storm Water Management Authorities. Mrs. Tomlinson stated for the record that, if it's decided in the future that a storm water authority would be beneficial to the Township, she thinks it should be a separate entity from our municipal authority.

The Motion to approve the June Workshop and Meeting minutes carried unanimously.

Approval of Payments

Mrs. Tomlinson moved, seconded by Mr. Kerr, to approve the payments to all vendors as listed, totaling \$596,952.95. The Motion carried unanimously.

Treasurer's Report

Jill Bukata reported that the balance sheet remains strong, with year-to-date revenue at 59.7% of the annual budget and expenses at 46.3% of the budget. Mrs. Tomlinson commented that the overtime for snow removal pushed that line item over budget, and she questioned the engineering fees for the Fellowship Fields Field House project. Cary Vargo will investigate but believes those invoices most likely should be reclassified from the Capital Account.

Supervisors' Report

Pam Baker and Jeff Kowalczyk of Barbacane Thornton were in attendance. Ms. Baker presented the Township's 2014 Audit Report. Barbacane Thornton also completed audits of the 2 Pension Plans, the Township Tax Collector and the Municipal Authority. The Township has been working over the past 2 years to build from a general DCED report to a much more comprehensive report. Ms. Baker complimented the Township and Jill Bukata for improved processes and for receiving the Government Finance Officers Association's (GFOA) Distinguished Budget Presentation Award. Ms. Baker advised that the audit report includes the DCED Report, review of our compliance with GAAP principles, GASB 67 pension requirements, and the Management Discussion & Analysis, which is a narrative by the Board of Supervisors

describing the various events and financial circumstances that have occurred over the year. Our Report looks like we're a business, with a net position increase from \$26,000,000 to \$28,100,000. Revenue exceeded budget because of the Earned Income Tax adjustments and payments from Columbia Gas Pipeline for damages to Township property during their Eastside Expansion Project. Expenditures were minimally over budget as well, due to the harsh winter weather conditions. The Municipal Authority operations break even and it is suggested that there be a formal Agreement with the Township to lease the assets, to balance out the payments for the Bond. Ms. Baker touched briefly on the pension plans: the Police pension plan is 92% funded, the Non-Uniformed Employee pension plan is 97.7% funded. The Pension Plan Audit has its own Report but is also rolled in to the main audit. Mr. Kerr thanked Ms. Baker and Mr. Kowalczyk for their assistance in working with us to expand the annual reporting and statements.

Cary Vargo announced that for the second consecutive year, Jill Bukata / the Township was awarded the Distinguished Budget Presentation Award by the Government Finance Officers Association (GFOA) and he wanted to recognize the Department heads, the Auditors, the Board of Supervisors, and Jill for their efforts in improving the budget process and presentation. There have been 13 Municipalities in Pennsylvania to earn the Award over the years and to the best of our knowledge, Upper Uwchlan has been the only Chester County municipality.

Mr. Kerr read the published calendar: August 11, 2015 4:00 p.m. Board of Supervisors Workshop; August 12, 2015 Yard Waste Collection; August 17, 2015 7:00 p.m. Board of Supervisors Meeting; August 26, 2015 Yard Waste Collection.

Administration Reports Township Engineer's Report

Dave Leh reported that Columbia Gas Pipeline work at Upland Farm has been delayed due to the relocation of fiber optic line along Fellowship Road, which then delays trail work at Upland Farm. It is anticipated that paving the trails can begin late August/early September.

Building and Codes Department Report

Cary Vargo reported that 154 building permits were issued in June, totaling \$21,139 in permit fees. That number is double the number of permits last year, due to the economy improving and continued roof replacement projects. Mr. Vargo advised that Al Gaspari has been monitoring the gas pipeline sites and assisting with park activities.

Police Chief's Report

Chief DeMarco reported the Department logged 1,213 calls, including thefts from vehicles and 5 criminal arrests. A 3-day Junior Police Academy (12-15 year olds) was held in June for the second consecutive year. The Department is planning to offer a Citizens' Police Academy, for adults, this Fall. Chief DeMarco thanked the Public Works Department for quickly clearing downed branches from roads following recent storms.

Public Works Department Report

Mike Heckman reported that the Department's trucks were quite a hit at the June 20 Block Party, road base repairs are complete on roads scheduled for paving (targeting the first week of August), and the Department has been busy with additional base repairs needed due to the last 2 winters. Other activities include storm inlet repairs, parks upkeep, vehicle maintenance and repair, and heavy volume of PA-1 calls due to the gas company activities.

Fritz Senn asked if the two dips on Fellowship Road could be repaired. Mike Heckman advised those repairs are on the schedule for this month.

ADMINISTRATION

American Towers Conditional Use Decision & Order. Cary Vargo explained that approval of the proposed cell tower construction and installation on the Shryock Property began last August, required zoning relief, which was granted by the Township Zoning Hearing Board, and following a June 15, 2015 Conditional Use Hearing, the Applicant seeks approval of the Decision & Order.

Mrs. Tomlinson moved, seconded by Mr. Kerr, to approve the American Towers Conditional Use Decision & Order as follows. The Motion carried unanimously.

ORDER

AND NOW, this 20th day of July, 2015, conditional use approval is hereby GRANTED to the Applicant in order to utilize a portion of the Subject Property currently owned by Shryock Brothers, Inc. as a site for the construction and operation of a communication tower and ancillary equipment. Applicant shall comply with the following conditions:

1. Applicant shall submit a land development application demonstrating compliance with the Findings of Fact set forth in this Decision as well as representations and exhibits presented in this Conditional Use Application and hearings.
2. Applicant shall demonstrate compliance with the landscaping of the fenced area with evergreen trees as set forth in the Findings of Fact.
3. Applicant shall, with application for a building permit, demonstrate compliance with construction codes as well as ANSI EIA TIA requirements including, but not limited to, a foundation plan, a geotechnical report, and tower design documents.
4. The tower foundation shall be designed and constructed in such a way as to accommodate a possible increase in height up to 198' and support additional co-locators and all associated equipment.
5. The generator proposed at the site shall be sound attenuated and fully compliant with all applicable Township ordinances, to include §200-82 Physical Performance Standards. Generator shall only be activated during times of electrical unavailability; however, the same shall be tested and exercised once or twice per month for approximately one-half hour for each testing.
6. Applicant will obtain and demonstrate compliance with all third party agency approvals such as PennDOT's HOP Permit for driveway access onto Dorlan Mill Road (S.R. 4019).

Mrs. Tomlinson inquired how many co-locators were possible. Mr. Lemanowicz replied there could be 3-7 co-locators if the tower was 198'.

EPC, LLC Revised Land Development Plan. Dave Leh advised the Board that the land development plan approved in 2007 for EPC, LLC provided for a 4,000 SF, 2-story office building and associated parking on the vacant parcel located at the corner of Little Conestoga Road and Seaboldt Way. Applicant Dr. John Fish proposes minor modifications to that approved plan. The building will basically be the same footprint, shaped slightly different, and the façade may look different than originally proposed. Dr. Fish advised that minor adjustments to the floor plan were needed to comply with current codes. The Township Planning Commission reviewed the revised plan and recommended approval.

Mrs. Tomlinson moved, seconded by Mr. Kerr, to grant Preliminary/Final Approval of the Revised EPC, LLC Land Development Plans dated June 26, 2015, accompanied by the following condition:

1. All conditions and requirements stated in the December 5, 2007 land development approval letter apply.

The Motion carried unanimously.

Ewing Tract Escrow Release Recommendations. Cary Vargo explained there are 2 release requests for sanitary sewer items related to the Ewing Tract in West Vincent Township. Upper Uwchlan makes a recommendation to the West Vincent Township Board of Supervisors regarding these requests. ARRO has reviewed the requests and finds them acceptable.

Mrs. Tomlinson moved, seconded by Mr. Kerr, to recommend to the West Vincent Township Board of Supervisors the release to Toll Brothers of \$234,939.03 for sanitary sewer construction in Phase 2 Carriage Home South, and \$103,188.51 for sanitary sewer spray distribution main and spray fields construction work in Phase 2A, both in Ewing Tract West Vincent Township. The Motion carried unanimously.

Extinguishment of Debt. Jill Bukata advised that the 2015 Budget included paying off the Township's highest rate loan (3.75%) at National Penn Bank. We can save \$6,000 in interest if that happens at this time rather than waiting until December. Mrs. Bukata requests approval to extinguish completely this particular debt through a payment of \$262,124.45 from the Capital Fund. Mrs. Tomlinson moved, seconded by Mr. Kerr, to approve the extinguishment of that loan. The Motion carried unanimously.

Transfer of Funds. Cary Vargo requests a transfer of \$2,000,000 of unassigned funds from the General Fund to the Capital Fund in order to accurately plan for Capital projects in 2016 during the budget process. Following the transfer, the amount in the General Fund will still comply with the Township's Fund Balance Policy of 35% of recurring expenditures. Mrs. Tomlinson moved, seconded by Mr. Kerr, to approve the transfer and the Motion carried unanimously.

Public Works Budget Adjustment. Mike Heckman explained that the last 2 winters have damaged road surfaces to a greater degree than anticipated and greater than liquid fuels funds will support. The road crew manually applied 500 tons of material. Road materials are over budget by \$7,000 and there are potholes and depressions that still need to be repaired. Mr. Heckman requests approval to exceed budget by an additional \$8,000 for materials in order to affect these repairs, mostly for safety reasons. Mr. Heckman advised that the Superpave Mix required by PennDOT is more pervious than previous mixes, allowing water to get under the new paving, and causing roadway failure. Mrs. Tomlinson moved, seconded by Mr. Kerr, to grant the budget exception for road materials. The Motion carried unanimously.

Ordinance Amendment. Cary Vargo explained that the owner of the Shryock Property would like to redevelop the property and requested expanded uses in the Limited Industrial (LI) District so it would be more economically viable. The amendments included additions to the materials that could be manufactured into light industrial products and several uses were added – bakeries, retail sales, restaurant [including tavern, brew pub, confectionary, ice cream stand, diner, sandwich or pizza parlor] – which could be authorized as a conditional use by Board of Supervisors for properties in the LI District with a Class I or Class II Historic Resource, where the historical building(s) shall be adaptively re-used and where an Economic Development License has been issued by the Board of Supervisors. The Township Planning Commission reviewed the amendment and recommended it move through the adoption process.

Mrs. Tomlinson moved, seconded by Mr. Kerr, to adopt Township Ordinance #2015-06, amending the Limited Industrial (LI) District Use Regulations. Brett Boden, Dorlan Mill Road resident, made comment regarding the property owner seeking a zoning variance rather than an Ordinance amendment. The Motion carried unanimously.

Act 209 Interim Fee Resolution. Cary Vargo explained that the Act 209 Impact Fee compliance requires updating impact fees and capital improvement plans. There are several parcels that the Traffic Impact Fee Advisory Committee recommends be added to the Township's Act 209 Traffic Study Area and the proposed Resolution establishes an interim traffic impact fee of

\$1,000/PM peak hour trip generated for those parcels until a formal Ordinance can be adopted. Mrs. Tomlinson moved, seconded by Mr. Kerr, to adopt Resolution #07-20-15-06 establishing an interim traffic impact fee. The Motion carried unanimously.

Phase I Route 100 Wastewater Treatment Facility Dedication Resolution. Cary Vargo explained that the Developers Group has prepared Deeds of Dedication for the Township to accept the Route 100 Wastewater Treatment Facility (Phase I capacity of 300,000 GPD) and associated spray fields, drip fields, piping easements, etc. in the Byers Station and Ewing Tract within Upper Uwchlan Township. The Municipal Authority has been operating this infrastructure for quite some time and the Township has been anticipating the formal process of accepting Dedication. ARRO and the Authority's solicitor have reviewed the documents. Mrs. Tomlinson moved, seconded by Mr. Kerr, to adopt Resolution #07-20-15-07, accepting dedication of the Route 100 Wastewater Treatment Facility (Phase I) and associated infrastructure in Byers Station and Ewing Tract-Upper Uwchlan Township. The Motion carried unanimously.

Fellowship Fields Field House Site Work Contract. Cary Vargo explained that a partnership between the Township, Marsh Creek Eagles (MCE) and the Believe & Achieve Foundation brings another improvement to Fellowship Fields - a field house, which will include a weigh-in room, concession stand, public restrooms, etc. The Township received bids for Township-funded site work and connection to the sanitary sewer line and the MCE will construct the building, monitored by the Township's General Contractor. Horgan Brothers Inc. was the low bidder for the site construction at \$98,955.19. Mr. Kerr stated this is a great private/public partnership that will enhance the Township's facility. Mrs. Tomlinson moved, seconded by Mr. Kerr, to award the site construction contract to Horgan Brothers Inc. at \$98,955.19. The Motion carried unanimously.

2015 Pavement Marking Contract. Mike Heckman reported that bids were requested for pavement marking/line striping services for 2015. Alpha Space Control was the sole bidder at \$32,632.50 for all items requested. The 2015 budget for this service is \$30,000. As in years past, Mr. Heckman will prioritize the projects and determine what markings or line striping the Public Works Department can accomplish to stay within the budget. Mrs. Tomlinson moved, seconded by Mr. Kerr, to award the 2015 Pavement Marking Contract to Alpha Space Control at the individual prices bid for the items that will be prioritized by Mike Heckman. The Motion carried unanimously.

Open Session

A resident questioned whether the Township receives any HUD funding. Mr. Kerr replied that Chester County does but Upper Uwchlan Township does not receive HUD funding.

Adjournment

There being no further business to be brought before the Board, Mr. Kerr adjourned the meeting at 8:07 p.m.

Respectfully submitted,

Gwen A. Jonik
Township Secretary